

REMARKS

In the Office Action mailed April 28, 2003 the Examiner noted that claims 1-27 were pending, and rejected all claims. Claims 1, 7, 9, 13, 17, 21, 25 and 26 have been amended, new claims 28 and 29 have been added and, thus, in view of the forgoing claims 1-29 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

In the Office Action, the Examiner rejected all claims under 35 U.S.C. § 102 or § 103 over various combinations Peters, Pinter and Ginter.

An interview was held with the Examiner on August 22, 2003 at which the invention and the prior art were discussed.

As discussed with the Examiner, the Peters reference is directed to a system allowing an author to create an electronic survey, review the survey to make sure it functions correctly and to make sure that the answers to the survey are sent to the correct response destination. The survey includes questions and multiple choice type answers. The author creates a survey question and then creates the answers/replies to the question. That is, the replies or answers are dependent on and intimately related to the content of the question and are created after the author knows what the question will be. Once the survey is created it can be electronically transmitted to a respondent. The respondent selects answers/replies and the answers/replies are returned to a correlator that essentially correlates the answers from multiple respondents and questions.

Pinter, as also discussed with the Examiner, is directed to a system that transmits message and reply codes, rather than the messages themselves, so that the "long" text of a message and a reply need not be transmitted. The Pinter system is particularly suitable for a system, such as a pager system, where transmission rates are very low. The Examiner argues that Pinter teaches the storage of canned messages and canned replies in separate storages. In contrast to this assertion, Pinter does not appear to provide any teaching or suggestion that the canned messages and replies be stored in separate storages. Although Pinter does discuss storing the canned messages and replies in files, this is the storing of duplicate files that could contain both canned messages and canned replies in transmitting and receiving party terminals not the storage of canned messages in one storage and canned replies in another storage. The storage of the canned messages and canned replies in the same storage

appears to be taught by Pinter in figure 6 where there does not appear to be a distinction between messages and replies when they are updated (see reference no. 100). If there is no distinction during the update, it would appear that the replies and messages are in the same storage. The storage of the canned messages and canned replies in separate storages also does not appear to make logical sense in Pinter as the terminals storing the messages and replies are pagers. To store the replies and messages in different storages of a pager would make the pager and the pager control program more complicated and expensive than it needs to be and thus a reading of Pinter in context indicates that it does not teach or suggest separate storages.

Ginter is being used by the Examiner to teach sound, etc. being part of an electronic message to which a fixed form reply can be made.

As discussed with the Examiner, the present invention creates fixed form replies before an electronic message needing a reply is received. These replies have content that is independent of the content of the received message. This is depicted in figure 5 of the present application. Because the replies are independent, the replies can be used for a number of different received messages. Such pre-created content independent reusable replies are not taught or suggested by the prior art. These features are emphasized in independent claims 1, 7, 9, 13, 17, 21, 25, 26, 28 and 29.

It is submitted that the present claimed invention patentably distinguishes over the prior art and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 2 emphasizes obtain totals of the replies that have been used. The prior art does not teach or suggest such as it allows the determination of which pre-created reply is the most popular. It is submitted that the dependent claims are independently patentable over the prior art.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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